

NOV 14 2007

**FAX COVER PAGE**

DATE: November 14, 2007

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TO: Examiner Javier G. Blanco, Group Art Unit 3774
 COMPANY: U.S. Patent and Trademark Office

FAX NUMBER: 571-273-8300
 PHONE NUMBER:

FROM: Douglas A. Collier

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RE: Interview Summary for U.S. Patent Application No. 10/721,642 to George Frey et al.

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**TRANSMITTAL
FORM**

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Total Number of Pages in This Submission

Application Number

10/721,642

Filing Date

November 25, 2003

First Named Inventor

George Frey et al.

Art Unit

3738

Examiner Name

Javier G. Blanco

Attorney Docket Number

MSDI-283/PC401.15

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 Other Enclosure(s) (please identify below):
Fax Cover Sheet; Interview Summary

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Krieg Devault LLP

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Douglas A. Collier

Date

November 14, 2007

Reg. No. 43,556

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Douglas A. Collier

Date November 14, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)	Before the Examiner
George Frey et al.)	Javier G. Blanco
Serial No.: 10/721,642)	Group Art Unit: 3774
Filed: November 25, 2003)	Attorney Docket: MSDI-263/PC401.15
DEVICES AND TECHNIQUES FOR A POSTERIOR LATERAL DISC SPACE APPROACH)	November 14, 2007

INTERVIEW SUMMARY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the telephonic interview conducted between Examiner Blanco and the undersigned representative on October 17, 2007, and October 25, 2007, please enter the following Interview Summary. Additionally, please provide any extensions of time necessary and charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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November 14, 2007
Date of Transmission

Douglas A. Collier
Name of Registered Representative

Douglas A. Collier

Signature

November 14, 2007
Date of Signature

Interview Summary
Application Serial No. 10/721,642
Atty Docket No. MSDI-263/PC401.15
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RECORD OF SUBSTANCE OF INTERVIEWS

The Applicant's representative thanks Examiner Blanco for the courtesy of a telephonic interview on October 17, 2007 to further prosecution of the subject application. Independent claims 1, 8, 53, 61 and 66 were discussed during the telephonic interview with regard to the cited references EP 0916323; U.S. Patent No. 5,607,424; WO 97/15248; WO 99/37255; U.S. Patent No. 6,086,613; WO 97/23175. Applicant's representative identified features of the present invention not disclosed in the references, including the shape of the implant and the struts between the anterior and posterior walls. Examiner Blanco suggested addition of claim language to define the implant as a boomerang shaped spinal implant comprising at least one strut on the upper bearing surface and at least one strut on the lower bearing surface connecting the anterior wall to the posterior wall to overcome the rejections based on the references. Examiner Blanco also suggested defining the height to extend from the lower bearing surface to the upper bearing surface. Since the current action is under final, Examiner Blanco indicated the suggested claim amendments required further consideration and should be presented along with a Request for Continued Examination or in a continuation application.

Applicant's representative also thanks Examiner Blanco for the examiner-initiated conversation on October 25, 2007. Examiner Blanco suggested amendments to claim 57 that were incorporated into claim 57 via Examiner's Amendment mailed with the Notice of Allowance dated November 8, 2007. No prior art was discussed.

Respectfully submitted,

By: 
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